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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,930	09/19/2003	Randy Burnworth	TAYL08-00002	6824
23990	7590	01/15/2010	EXAMINER	
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DALLAS, TX 75380			PAPER NUMBER	
			2622	
			NOTIFICATION DATE	
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			01/15/2010	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@munckcarter.com
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**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/665,930

Applicant(s)

BURNWORTH, RANDY

Examiner

M. Lee

Art Unit

2622

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 December 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/M. Lee/
Primary Examiner, Art Unit 2622

Continuation of 11, does NOT place the application in condition for allowance because: Applicant argues that the style information and font identifier in text data 206 of Werner cannot correspond to the pointing information because it does not point to either the style information or the font identifier. The Examiner disagrees. Each of the style information and font identifier is data word that points to a particular memory or map location of a desired style or font. The style information itself cannot reproduce the desired style without referring to a map. For instance, in paragraph 0039, Werner states that the style data in text data 206 may include font identifier and /or definition information, color, and /or size in which text may be displayed...the style data may select larger font sizes, capital letters, and italics for portions of text data 206. In paragraph 0040, Werner further states that the processor builds an image frame and a bitmap for subtitle text data 206...the processor may also apply style data and/or control data to subtitle text data 206 as it is presented with subsequent associated image frames. In paragraph 0031, Werner states that these bitmaps may then be used to display subtitle text data in one or more caption packets 100-110 with one or more image frames. The bitmap built by the processor clearly meets the style information as claimed since it must include an identifier to be identified by the style data in text 206.

Applicant further argues that Werner's pixel bitmap or "style information" does not comprise "location information on a region of the screen on which the subtitle is output by the reproducing apparatus" as recited in claim 1. The Examiner disagrees. In paragraph 0040, Werner states that the processor may build an image frame and a bitmap for subtitle text data 206...then the processor may, for example, overlay the subtitle text data 206 on top of the frame buffer. The bitmap built or generated by the processor has all the coordinates or location information required to overlay on top of the image frame. That is, the frame size of the bitmap is the same as the image frame, and every pixel in between the two are correspondingly aligned from 0 to N both horizontally and vertically. Since the bitmap is built on the Cartesian coordinate system, the location or locations of the text data 206 can be defined by X and Y values. Thus, the bitmap in Werner inherently include location information and the claimed limitation is clearly met.

Applicant argues that it is not seen where paragraph or any other paragraph of Werner discloses or suggests that two or more subtitles are placed on the screen at the same time as claimed. The Examiner disagrees. In paragraph 0037, Werner states that text data 206 may include a plurality of portions representing lines for a plurality of characters...Each of these portions may be associated with the same...image frame(s). In other words, Werner states that multiple subtitle lines are presented on the same image frame, which clearly meets the limitation as claimed.

Above arguments are supplemented in view of Mr. Randy Serville's telephone conversation dated 1/5/10.